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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, JENNIFER T

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 11

Application Number: 09/765,172

Filing Date: January 18, 2001

Appellant(s): BARON, JOHN M.

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Thomas M. Baron  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 8, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

6,369,803	BRISEBOIS et al.	4-2002
5,862,419	GOTO et al.	1-1999

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

**1. Claims 1, 2, 5, 6, 8, and 10-12 are rejected under 35 U.S. C 102(e) as being anticipated by Brisebois et al. (U.S. Patent No. 6,369,803).**

Regarding claim 1, referring to Figs. 1 and 2, Brisebois teaches a display (110) for use in controlling the execution of a functional device (100), said display (110) comprising an electronic control system housed in association with said display (110), said electronic control system including a switch platform (120) mounted to detect a touching about a periphery of said display (110) and to provide a plurality of discrete output signals each indicative of a portion of said periphery at which said touching is detected (col. 1, lines 4-13, col. 3, lines 20-67, from col. 5, line 49 to col. 6, line 26, and col. 7, lines 47-52).

Regarding claim 2, Brisebois further teaches display is a flat panel display (i.e. LCD) (col. 3, lines 35-45).

Regarding claim 5, Brisebois further teaches said switch platform (120) comprises pressure sensitive switches (205) (i.e., upper surface) (col. 5, lines 10-14 of Brisebois) mounted in proximity to respective edges of said display (110) and configured so that touching at a corner operates a corresponding one of said switches (205) and touching at a midpoint of one of said edges operates a corresponding pair of said switches (205) (col. 1, lines 4-13, col. 3, lines 20-67, from col. 5, line 49 to col. 6, line 26, and col. 7, lines 47-52).

Regarding claims 6 and 8, Brisebois further teaches display (110) is mounted on said switch platform (120), said switch platform (120), which, in turn, is mounted on an enclosure, wherein said enclosure encompasses at least a portion of said functional device, and said switch

platform (120) including pressure sensitive switches (205) positioned to detect pressure applied proximate respective corners of said display (110) (col. 3, lines 48-67 and col. 4, lines 49-51).

Regarding claim 10, Brisebois teaches display (110) is a rectangular shaped liquid crystal display device (col. 3, lines 45-47).

Regarding claim 11, Brisebois teaches electronic control system (500) is configured to cause said display (510) to display a value of a control parameter and to detect an operation of said switch platform (520) to change said value (Fig. 5a, from col. 8, line 58 to col. 9, line 7).

Regarding claim 12, Brisebois teaches electronic control system is configured to allow a user to selectively position a cursor or said display (400) (Fig. 4a, col. 8, lines 1-16).

**2. Claims 7, 9 and 16 are rejected under 35 U.S. C. 103(a) as being unpatentable over Brisebois (U.S. Patent No. 6,369,803).**

Regarding claims 7, 9 and 16, Brisebois differs from claims 7, 9, and 16 in that he does not specifically teach a pressure sensitive switch positioned to detect pressure applied to a central portion of said display. Brisebois teaches a pressure sensitive switch positioned to detect pressure applied to selectable area (col. 7, lines 44-53). Therefore, it would have been obvious to obtain a pressure sensitive switch positioned to detect pressure applied to a central portion of said display in order to minimize the area associated with user input, resulting in reducing weight and save space of the device.

**3. Claims 3, 4, 13-15 and 17 are rejected under 35 U.S. C. 103(a) as being unpatentable over Brisebois (U.S. Patent No. 6,369,803) in view of Goto et al. (U.S. Patent No. 5 862 419).**

Regarding claims 3 and 4, Brisebois differs from claim 3 and 4 in that he does not specifically teach an optical imaging device wherein said optical imaging device includes an optical system configured to project an image onto a light sensitive media. However, referring to Fig. 2, Goto discloses an optical imaging device wherein said optical imaging device includes an optical system (20) configured to project an image onto a light sensitive media (Fig. 2 of Goto, from col. 3, line 63 to 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the an optical imaging device wherein said optical imaging device includes an optical system configured to project an image onto a light sensitive media as taught by Goto in the system of Brisebois in order to provide a display device with the better brightness distribution.

Regarding claim 13, referring to Figs. 1 and 2, Brisebois teaches a display (110) for use in controlling the execution of a functional device (100), said display (110) comprising an electronic control system housed in association with said display (110), said electronic control system including a switch platform (120) mounted to detect a touching about a periphery of said display (110) and to provide a plurality of discrete output signals each indicative of a portion of said periphery at which said touching is detected (col. 3, lines 20-67 and from col. 5, line 49 to col. 6, line 10).

Brisebois differs from claim 13 in that he does not specifically teach the functional device is a camera comprising: an optical system configured to project an image onto an imaging platform; a controller configured to control an operation of said optical system; and a display operable to provide a visual display of parameter values used in conjunction with said optical system. However, referring to Figs. 1, 2 and 6, Goto discloses a camera (1) comprising: an

optical system configured to project an image onto an imaging platform; a controller (CPU) configured to control an operation of said optical system; and a display (13) operable to provide a visual display of parameter values used in conjunction with said optical system (col. 3, lines 33-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the camera comprising: an optical system configured to project an image onto an imaging platform; a controller configured to control an operation of said optical system; and a display operable to provide a visual display of parameter values used in conjunction with said optical system as taught by Goto in the system of Brisebois in order to minimize the area associated with user input, resulting in reducing weight and save space of the camera.

Regarding claim 14, the combination Brisebois and Goto further teaches display (110) is a flat panel display (col. 3 of Brisebois, lines 35-45).

Regarding claim 15, the combination Brisebois and Goto teaches switch platform (120) comprises a plurality of electrical switches (205) mounted adjacent respective edges of said display (110) and a frame mounted to said switches (205), said frame surrounding said display (110), said frame and switches configured to detect pressure applied proximate respective edges of said flat panel display (Figs. 1 and 2a of Brisebois, col. 5, lines 10- 19).

Regarding claim 17, the combination Brisebois and Goto teaches display is configured to sequentially display a plurality of parameters in response to respective activations of left and right portions (540) of said switch platform (520), increase and decrease a value associated with a displayed one of said parameters in response to activations of top and bottom portions (550) of said switch platform (520) (Fig. 5a of Brisebois, col. 8, line 58 to col. 9, line7).

The combination Goto and Brisebois differs from claim 17 in that it does not specifically teach a selecting a displayed one of said values in response to a touching of a central portion of flat panel display. However, it would have been obvious to obtain selecting a displayed one of said values in response to a touching of a central portion of said flat panel display in order to simplify the circuit and save space of the device.

***(11) Response to Argument***

**1. Response to First Issue**

The Applicant argued that Brisebois does not teach "the switch platform mounted to detect a touch about a periphery of the display of claims 1-20". However, Brisebois teach the switch platform (120) mounted to detect a touch about a periphery of the display (110) and to provide a plurality of discrete output signals each indicative of a portion of said periphery at which said touching is detected (Figs. 1-3, col. 1, lines 4-13, col. 3, lines 20-67, from col. 5, line 49 to col. 6, line 26, and col. 7, lines 47-52). Applicant also argued, "Nowhere in Brisebois is there any teaching that the flexible input device is desired to be positionable on the display". However, the claimed invention claimed "touching about a periphery of said display" (claims 1 and 13), "switch platform comprises pressure sensitive switches mounted in proximity to respective edges of said display" (claims 5, 6, and 15), or "said switch platform comprises a plurality of electrical switches mount adjacent respective edges of said display and a frame mounted to said switches, said frame surrounding said display" (claims 8 and 15). Therefore, Applicant's argument is not consistent with the claimed invention.

**2. Response to Second Issue**

The Applicant argued, "Whether Brisebois and Goto have been properly combined . . . in alleging a rejection under 35 U.S.C. 103". The combination Brisebois and Goto is proper because Brisebois teaches a switch platform mounted to detect a touching a periphery of the display to provide the input signals in which the touching is detected and Brisebois suggests this design supports adaptability to variety of applications and technologies, such as wristwatch, desktop computer, wireless communication, or phone (col. 3, lines 10-46). Goto teaches a camera with the touch display, which can capture an image picture. With the switch platform installed in the desktop computer will allow a user to scan the image picture more effective. Alternatively, it is noted that it also would have been obvious to utilize the switch platform of Brisebois in the optical imaging device of Goto et al. for improving the user input interface therein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jennifer T Nguyen  
Examiner  
Art Unit 2674

JN  
November 3, 2003

Conferees

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

  
RICHARD HJELPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

  
Conferee BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600